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| 09/597,016 | 06/20/2000 | Liang Hong | 65187-179 | 6072 |

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| EXAMINER | |
|---|---|
| LY, NGHI H | |

| ART UNIT | PAPER NUMBER |
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| 2617 | |

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 09/597,016 | HONG ET AL. | |
| | Examiner | Art Unit | |
| | NGHI H. LY | 2617 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *02 July 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-17 and 26-31* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) *26-31* are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election with traverse of Species I (claims 1-17) in the reply filed on 09/24/2008 is acknowledged. The traversal is on the ground(s) that "*according to Section 808.02 of the MPEP, the Examiner must explain why if restriction is not required, there would be a serious burden on the Examiner". The Office Action provides no reason whatsoever. Further, while these claims have been amended during prosecution, they were included with the original application*. This is not found persuasive because the rejection is based on applicant's amendment and the amendment made the claims patentably distinct from each other, and would be a serious burden on the Examiner.

The requirement is still deemed proper and is therefore made FINAL.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rossi (US 5,570,389) in view of Hamaki et al (US 5,600,635) and further in view of Kaman (US 5,844,473) and Harrenstien et al (US 7,085,553).

Regarding claims 1 and 9, Rossi teaches a polling method for use in communicating information by a wireless transceiver unit to a wireless base unit (see fig.1, see communication between wireless transceiver unit 105 to a wireless base unit 120, and see column 14, lines 47-51, see “polls” and “control channel”, also see column 15, lines 37-41, see “polled”), the wireless transceiver unit and the wireless base unit being configured to communicate over a wireless control channel and a wireless voice traffic channel (see column5, line 65 to column 6, line 14, see “voice”, also see column 7, lines 57-63 and column 9, lines 1-3 and column 11, line 54 to column 12, line 9, where Rossi teaches the wireless transceiver unit 105 and the wireless base unit 120 being configured to communicate over a wireless control channel, and see column 3, lines 14-18).

Rossi does not specifically disclose receiving an information request message at the wireless transceiver unit over the wireless control channel.

Hamaki teaches receiving an information request message at the wireless transceiver unit over the wireless control channel (see fig.1, fig.29b and see column 41, lines 29-39, where Hamaki teaches “allow the cell station to transmit a simultaneous call signal on the control signal to all of the personal station in its cell”, and see column 5, line 45 to column 6, line 6, see "polling").

Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to provide the teaching of Hamaki into the system of Rossi in order to allow for multicast communication between a personal station or cell station and a number of personal stations (see Hamaki, column, lines 12-15).

The combination of Rossi and Hamaki does not specifically disclose in response to the information request message, sending call record information related to usage of the wireless voice traffic channel from the wireless transceiver unit to the wireless base unit over the wireless control channel.

Kaman teaches in response to the information request message, sending call record information related to usage of the wireless voice traffic channel from the wireless transceiver unit to the wireless base unit over the wireless control channel (see column 5, lines 53-63, also see Abstract).

Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to provide the teaching of Kaman into the system of Rossi and Hamaki in order to provide an apparatus for remotely collecting and reporting an indication of use of a vehicle (see Kaman, column 3, lines 11-14).

The combination of Rossi, Hamaki and Kaman does not specifically disclose repeating the receiving and sending on a regular basis.

Canada does not specifically disclose repeating the receiving and sending on a regular basis.

Harrenstien teaches repeating the receiving and sending on a regular basis (see column 5, lines 4-6).

Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to provide the teaching of Harrenstien into the system of Rossi, Hamaki and Kaman in order to provide a mobile-based client-server system that allows for the efficient transfer of information (see Harrenstien, column 3, lines 11-14).

4. Claims 2, 3, 5, 8, 10, 11 and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rossi (US 5,570,389) in view of Hamaki et al (US 5,600,635) and further in view of Kaman (US 5,844,473) and Harrenstien et al (US 7,085,553) and further in view of Patel (US 5,315,636).

Regarding claims 2, 3, 5, 10, 11 and 14, the combination of Rossi, Hamaki, Kaman and Harrenstien teaches claims 1 and 9. The combination of Rossi, Hamaki, Kaman and Harrenstien does not specifically disclose polling is initiated in response to a detected problem.

Patel teaches polling is initiated in response to a detected problem (see column 3, lines 15-25 and column 10, lines 24-44).

Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to provide the teaching of Patel into the system of Rossi, Hamaki, Kaman and Harrenstien in order to enable a caller to contact a system subscriber at any location (see Patel, column 1, lines 1-12).

Regarding claims 8 and 17, the combination of Rossi, Hamaki, Kaman, Harrenstien and Patel further teaches the information request message comprises data indicative of a requested information type and the information sent corresponds to the requested information type (see Hamaki, fig.1, fig.29b and see column 41, lines 29-39, where Hamaki teaches “allow the cell station to transmit a simultaneous call signal on the control signal to all of the personal station in its cell”, and see column 5, line 45 to column 6, line 6, see "polling").

Regarding claim 15, the combination of Rossi, Hamaki, Kaman, Harrenstien and Patel further teaches receiving the information from each one of the wireless transceiver units at random points in time (see Patel, column 8, lines 10-55).

Regarding claim 16, Rossi further teaches sending the polling request message comprises broadcasting it for receipt by a plurality of wireless transceiver units (see fig.1, see communication between wireless transceiver unit 105 to a wireless base unit 120, and see column 14, lines 47-51, see "polls" and "control channel", also see column 15, lines 37-41, see "polled"), the polling method further comprising: receiving information from each one of the wireless transceiver units at random points in time over a shared wireless control channel (see fig.1, see communication between wireless transceiver unit 105 to a wireless base unit 120, and see column 14, lines 47-51, see "polls" and "control channel", also see column 15, lines 37-41, see "polled").

5. Claims 4 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rossi (US 5,570,389) in view of Hamaki et al (US 5,600,635) and further in view of Kaman (US 5,844,473) and Harrenstien et al (US 7,085,553) and further in view of Patel (US 5,315,636) and Davies (US 6,058,420).

Regarding claims 4 and 12, the combination of Rossi, Hamaki, Kaman and Harrenstien teaches claims 1 and 9. The combination of Rossi, Hamaki, Kaman and Harrenstien does not specifically disclose initiating the repeated receiving and sending in response to detecting the communication failure.

Patel teaches initiating the repeated receiving and sending in response to detecting the communication failure (see column 3, lines 15-25 and column 10, lines 24-44).

Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to provide the teaching of Patel into the system of the combination of Rossi, Hamaki, Kaman and Harrenstien in order to enable a caller to contact a system subscriber at any location (see Patel, column 1, lines 1-12).

The combination of Rossi, Hamaki, Kaman, Harrenstien and Patel does not specifically disclose detecting a communication failure on the wireless data traffic channel.

Davies teaches detecting a communication failure on the wireless data traffic channel (see Abstract, column 6, lines 60-63, see “failure” and “absence of a response”, and see column 15, lines 54-56).

Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to provide the teaching of Davies into the system of Rossi, Hamaki, Kaman, Harrenstien and Patel in order to manage multiple customer networks and specially, to processes, apparatus, and systems used to construct management platforms consistent with Simple Network Management Protocol to manage multiple customer networks (see Davies, column 1, lines 21-27).

6. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rossi (US 5,570,389) in view of Hamaki et al (US 5,600,635) and further in view of

Kaman (US 5,844,473) and Harrenstien et al (US 7,085,553) and further in view of Paneth et al (US 6,014,374).

Regarding claims 6 and 7, the combination of Rossi, Hamaki, Kaman and Harrenstien teaches claims 1 and 9. The combination of Rossi, Hamaki, Kaman and Harrenstien does not specifically disclose delaying a random period of time prior to sending the information.

Paneth teaches delaying a random period of time prior to sending the information (see column 21, lines 59-62).

Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to provide the teaching of Paneth into the system Rossi, Hamaki, Kaman and Harrenstien in order to provide a system for the wireless transmission of multiple information signals utilizing digital time division circuits between a base station and subscriber stations (see Paneth, column 1, lines 20-23).

7. Claims 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rossi (US 5,570,389) in view of Hamaki et al (US 5,600,635) and further in view of Kaman (US 5,844,473) and Harrenstien et al (US 7,085,553) and further in view of Serikawa et al (US 6,347,092).

Regarding claim 13, the combination of Rossi, Hamaki, Kaman and Harrenstien teaches the wireless transceiver unit and the wireless base unit are further configured to communicate over a wireless data traffic channel (see Rossi, fig.1, see communication between wireless transceiver unit 105 to a wireless base unit 120, and see column 14,

lines 47-51, see "polls" and "control channel", also see column 15, lines 37-41, see "polled"), the method further comprising: detecting a communication failure on the wireless data traffic channel, and initiating the repeated receiving and sending in response to detecting the communication failure (see Rossi, fig.1, see communication between wireless transceiver unit 105 to a wireless base unit 120, and see column 14, lines 47-51, see "polls" and "control channel", also see column 15, lines 37-41, see "polled").

The combination of Rossi, Hamaki, Kaman and Harrenstien does not specifically disclose tearing down the wireless data traffic channel but not the wireless voice traffic channel after detecting the communication failure.

Serikawa teaches tearing down the wireless data traffic channel but not the wireless voice traffic channel after detecting the communication failure (see column 36, lines 49-58, see "after", and see column 19, lines 17 to column 20, lines 1. In addition, see Applicant's remarks dated 07/26/2004, page 13, lines 13-14).

Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to provide the teaching of Serikawa into the system of Rossi, Hamaki, Kaman and Harrenstien in order to prevent collision (see Serikawa, column 36, lines 49-58).

### *Response to Arguments*

8. Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NGHI H. LY whose telephone number is (571)272-7911. The examiner can normally be reached on 9:30am-8:00pm Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost can be reached on (571) 272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nghi H. Ly

/Nghi H. Ly/
Primary Examiner, Art Unit 2617